

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:04cr304

UNITED STATES OF AMERICA )  
                                )  
                                )  
vs.                           )  
                                )  
                                )  
DARRELL EUGENE DIGSBY    )  
                               )  
                               )

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ORDER

**THIS MATTER** is before the Court upon motion of the defendant pro se for a reduction of sentence based on Amendment 599 to the United States Sentencing Guidelines. (Doc. No. 62).

The defendant was sentenced to 120 months' imprisonment following his conviction at trial of violating 18 U.S.C. § 922(g). (Doc. No. 36: Jury Verdict; Doc. No. 43: Judgment). Because the defendant was only convicted of the firearm possession charge, Amendment 599 is inapplicable to his case. United States v. Moffitt, 235 Fed. Appx. 980, 981 (4th Cir. 2007).

**IT IS, THEREFORE, ORDERED** that the defendant's motion is **DENIED**.

Signed: April 12, 2008

  
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Robert J. Conrad, Jr.  
Chief United States District Judge  


The Clerk is directed to certify copies of this order to the defendant, the Community Defender, the United States Attorney, the United States Marshals Service, and the United States Probation Office.